
SENATE BILL 5038

State of Washington

60th Legislature

2007 Regular Session

By Senators Eide, Shin, Weinstein, Hobbs, Oemig, Marr, Murray, Regala, Rockefeller, Rasmussen, Hatfield, Kilmer, Keiser, Jacobsen, Poulsen, Haugen, McAuliffe and Kohl-Welles

Read first time 01/08/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040,
2 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.038, 13.40.210, and
3 9A.56.096; reenacting and amending RCW 9.94A.525; adding a new section
4 to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; adding
5 a new section to chapter 48.22 RCW; adding a new chapter to Title 46
6 RCW; creating new sections; and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

9 (a) Automobiles are an essential part of our everyday lives. The
10 west coast is the only region of the United States with an increase of
11 over three percent in motor vehicle thefts over the last several years.
12 The family car is a priority of most individuals and families. The
13 family car is typically the second largest investment a person has next
14 to the home, so when a car is stolen, it causes a significant loss and
15 inconvenience to people, imposes financial hardship, and negatively
16 impacts their work, school, and personal activities. Appropriate and
17 meaningful penalties that are proportionate to the crime committed must
18 be imposed on those who steal motor vehicles;

1 (b) In Washington, more than one car is stolen every eleven
2 minutes, one hundred thirty-eight cars are stolen every day, someone's
3 car has a one in one hundred seventy-nine chance of being stolen, and
4 more vehicles were stolen in 2005 than in any other previous year.
5 Since 1994, auto theft has increased over fifty-five percent, while
6 other property crimes like burglary are on the decline or holding
7 steady. The national crime insurance bureau reports that Seattle and
8 Tacoma ranked in the top ten places for the most auto thefts, ninth and
9 tenth respectively, in 2004. In 2005, over fifty thousand auto thefts
10 were reported costing Washington citizens more than three hundred
11 twenty-five million dollars in higher insurance rates and lost
12 vehicles. Nearly eighty percent of these crimes occurred in the
13 central Puget Sound region consisting of the heavily populated areas of
14 King, Pierce, and Snohomish counties;

15 (c) Law enforcement has determined that auto theft, along with all
16 the grief it causes the immediate victims, is linked more and more to
17 offenders engaged in other crimes. Many stolen vehicles are used by
18 criminals involved in such crimes as robbery, burglary, and assault.
19 In addition, many people who are stopped in stolen vehicles are found
20 to possess the personal identification of other persons, or to possess
21 methamphetamine, precursors to methamphetamine, or equipment used to
22 cook methamphetamine;

23 (d) Juveniles account for over half of the reported auto thefts
24 with many of these thefts being their first criminal offense. It is
25 critical that they, along with first time adult offenders, are
26 appropriately punished for their crimes. However, it is also important
27 that first time offenders who qualify receive appropriate counseling
28 treatment for associated problems that may have contributed to the
29 commission of the crime, such as drugs, alcohol, and anger management;
30 and

31 (e) A coordinated and concentrated enforcement mechanism is
32 critical to an effective statewide offensive against motor vehicle
33 theft. Such a system provides for better communications between and
34 among law enforcement agencies, more efficient implementation of
35 efforts to discover, track, and arrest auto thieves, quicker recovery,
36 and the return of stolen vehicles, saving millions of dollars in
37 potential loss to victims and their insurers.

1 (2) It is the intent of this act to deter motor vehicle theft
2 through a statewide cooperative effort by combating motor vehicle theft
3 through tough laws, supporting law enforcement activities, improving
4 enforcement and administration, effective prosecution, public
5 awareness, and meaningful treatment for first time offenders where
6 appropriate. It is also the intent of the legislature to ensure that
7 adequate funding is provided to implement this act in order for real,
8 observable reductions in the number of auto thefts in Washington state.

9 **Sec. 2.** RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read
10 as follows:

11 (1) A person is guilty of theft in the first degree if he or she
12 commits theft of:

13 (a) Property or services which exceed(s) one thousand five hundred
14 dollars in value other than a firearm as defined in RCW 9.41.010;

15 (b) Property of any value other than a firearm as defined in RCW
16 9.41.010 taken from the person of another; (~~or~~)

17 (c) A search and rescue dog, as defined in RCW 9.91.175, while the
18 search and rescue dog is on duty; or

19 (d) A motor vehicle.

20 (2) Theft in the first degree is a class B felony.

21 **Sec. 3.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read
22 as follows:

23 (1) A person is guilty of theft in the second degree if he or she
24 commits theft of:

25 (a) Property or services which exceed(s) two hundred (~~and~~) fifty
26 dollars in value other than a firearm as defined in RCW 9.41.010, but
27 does not exceed one thousand five hundred dollars in value; or

28 (b) A public record, writing, or instrument kept, filed, or
29 deposited according to law with or in the keeping of any public office
30 or public servant; or

31 (c) An access device(~~;~~~~or~~

32 ~~(d) A motor vehicle, of a value less than one thousand five hundred~~
33 ~~dollars)).~~

34 (2) Theft in the second degree is a class C felony.

1 **Sec. 4.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read
2 as follows:

3 (1) A person is guilty of possessing stolen property in the first
4 degree if he or she possesses stolen property other than a firearm as
5 defined in RCW 9.41.010 which exceeds one thousand five hundred dollars
6 in value, or he or she possesses a stolen motor vehicle.

7 (2) Possessing stolen property in the first degree is a class B
8 felony.

9 **Sec. 5.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read
10 as follows:

11 (1) A person is guilty of possessing stolen property in the second
12 degree if:

13 (a) He or she possesses stolen property other than a firearm as
14 defined in RCW 9.41.010 which exceeds two hundred fifty dollars in
15 value but does not exceed one thousand five hundred dollars in value;
16 or

17 (b) He or she possesses a stolen public record, writing or
18 instrument kept, filed, or deposited according to law; or

19 (c) He or she possesses a stolen access device(~~or~~
20 ~~(d) He or she possesses a stolen motor vehicle of a value less than~~
21 ~~one thousand five hundred dollars)).~~

22 (2) Possessing stolen property in the second degree is a class C
23 felony.

24 **Sec. 6.** RCW 9.94A.525 and 2006 c 128 s 6 and 2006 c 73 s 7 are
25 each reenacted and amended to read as follows:

26 The offender score is measured on the horizontal axis of the
27 sentencing grid. The offender score rules are as follows:

28 The offender score is the sum of points accrued under this section
29 rounded down to the nearest whole number.

30 (1) A prior conviction is a conviction which exists before the date
31 of sentencing for the offense for which the offender score is being
32 computed. Convictions entered or sentenced on the same date as the
33 conviction for which the offender score is being computed shall be
34 deemed "other current offenses" within the meaning of RCW 9.94A.589.

35 (2)(a) Class A and sex prior felony convictions shall always be
36 included in the offender score.

1 (b) Class B prior felony convictions other than sex offenses shall
2 not be included in the offender score, if since the last date of
3 release from confinement (including full-time residential treatment)
4 pursuant to a felony conviction, if any, or entry of judgment and
5 sentence, the offender had spent ten consecutive years in the community
6 without committing any crime that subsequently results in a conviction.

7 (c) Except as provided in (e) of this subsection, class C prior
8 felony convictions other than sex offenses shall not be included in the
9 offender score if, since the last date of release from confinement
10 (including full-time residential treatment) pursuant to a felony
11 conviction, if any, or entry of judgment and sentence, the offender had
12 spent five consecutive years in the community without committing any
13 crime that subsequently results in a conviction.

14 (d) Except as provided in (e) of this subsection, serious traffic
15 convictions shall not be included in the offender score if, since the
16 last date of release from confinement (including full-time residential
17 treatment) pursuant to a felony conviction, if any, or entry of
18 judgment and sentence, the offender spent five years in the community
19 without committing any crime that subsequently results in a conviction.

20 (e) If the present conviction is felony driving while under the
21 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
22 felony physical control of a vehicle while under the influence of
23 intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions
24 of felony driving while under the influence of intoxicating liquor or
25 any drug, felony physical control of a vehicle while under the
26 influence of intoxicating liquor or any drug, and serious traffic
27 offenses shall be included in the offender score if: (i) The prior
28 convictions were committed within five years since the last date of
29 release from confinement (including full-time residential treatment) or
30 entry of judgment and sentence; or (ii) the prior convictions would be
31 considered "prior offenses within ten years" as defined in RCW
32 46.61.5055.

33 (f) This subsection applies to both adult and juvenile prior
34 convictions.

35 (3) Out-of-state convictions for offenses shall be classified
36 according to the comparable offense definitions and sentences provided
37 by Washington law. Federal convictions for offenses shall be
38 classified according to the comparable offense definitions and

1 sentences provided by Washington law. If there is no clearly
2 comparable offense under Washington law or the offense is one that is
3 usually considered subject to exclusive federal jurisdiction, the
4 offense shall be scored as a class C felony equivalent if it was a
5 felony under the relevant federal statute.

6 (4) Score prior convictions for felony anticipatory offenses
7 (attempts, criminal solicitations, and criminal conspiracies) the same
8 as if they were convictions for completed offenses.

9 (5)(a) In the case of multiple prior convictions, for the purpose
10 of computing the offender score, count all convictions separately,
11 except:

12 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to
13 encompass the same criminal conduct, shall be counted as one offense,
14 the offense that yields the highest offender score. The current
15 sentencing court shall determine with respect to other prior adult
16 offenses for which sentences were served concurrently or prior juvenile
17 offenses for which sentences were served consecutively, whether those
18 offenses shall be counted as one offense or as separate offenses using
19 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and
20 if the court finds that they shall be counted as one offense, then the
21 offense that yields the highest offender score shall be used. The
22 current sentencing court may presume that such other prior offenses
23 were not the same criminal conduct from sentences imposed on separate
24 dates, or in separate counties or jurisdictions, or in separate
25 complaints, indictments, or informations;

26 (ii) In the case of multiple prior convictions for offenses
27 committed before July 1, 1986, for the purpose of computing the
28 offender score, count all adult convictions served concurrently as one
29 offense, and count all juvenile convictions entered on the same date as
30 one offense. Use the conviction for the offense that yields the
31 highest offender score.

32 (b) As used in this subsection (5), "served concurrently" means
33 that: (i) The latter sentence was imposed with specific reference to
34 the former; (ii) the concurrent relationship of the sentences was
35 judicially imposed; and (iii) the concurrent timing of the sentences
36 was not the result of a probation or parole revocation on the former
37 offense.

1 (6) If the present conviction is one of the anticipatory offenses
2 of criminal attempt, solicitation, or conspiracy, count each prior
3 conviction as if the present conviction were for a completed offense.
4 When these convictions are used as criminal history, score them the
5 same as a completed crime.

6 (7) If the present conviction is for a nonviolent offense and not
7 covered by subsection (11) or (12) of this section, count one point for
8 each adult prior felony conviction and one point for each juvenile
9 prior violent felony conviction and 1/2 point for each juvenile prior
10 nonviolent felony conviction.

11 (8) If the present conviction is for a violent offense and not
12 covered in subsection (9), (10), (11), or (12) of this section, count
13 two points for each prior adult and juvenile violent felony conviction,
14 one point for each prior adult nonviolent felony conviction, and 1/2
15 point for each prior juvenile nonviolent felony conviction.

16 (9) If the present conviction is for a serious violent offense,
17 count three points for prior adult and juvenile convictions for crimes
18 in this category, two points for each prior adult and juvenile violent
19 conviction (not already counted), one point for each prior adult
20 nonviolent felony conviction, and 1/2 point for each prior juvenile
21 nonviolent felony conviction.

22 (10) If the present conviction is for Burglary 1, count prior
23 convictions as in subsection (8) of this section; however count two
24 points for each prior adult Burglary 2 or residential burglary
25 conviction, and one point for each prior juvenile Burglary 2 or
26 residential burglary conviction.

27 (11) If the present conviction is for a felony traffic offense
28 count two points for each adult or juvenile prior conviction for
29 Vehicular Homicide or Vehicular Assault; for each felony offense count
30 one point for each adult and 1/2 point for each juvenile prior
31 conviction; for each serious traffic offense, other than those used for
32 an enhancement pursuant to RCW 46.61.520(2), count one point for each
33 adult and 1/2 point for each juvenile prior conviction.

34 (12) If the present conviction is for manufacture of
35 methamphetamine count three points for each adult prior manufacture of
36 methamphetamine conviction and two points for each juvenile manufacture
37 of methamphetamine offense. If the present conviction is for a drug
38 offense and the offender has a criminal history that includes a sex

1 offense or serious violent offense, count three points for each adult
2 prior felony drug offense conviction and two points for each juvenile
3 drug offense. All other adult and juvenile felonies are scored as in
4 subsection (8) of this section if the current drug offense is violent,
5 or as in subsection (7) of this section if the current drug offense is
6 nonviolent.

7 (13) If the present conviction is for Escape from Community
8 Custody, RCW 72.09.310, count only prior escape convictions in the
9 offender score. Count adult prior escape convictions as one point and
10 juvenile prior escape convictions as 1/2 point.

11 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
12 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
13 juvenile prior convictions as 1/2 point.

14 (15) If the present conviction is for Burglary 2 or residential
15 burglary, count priors as in subsection (7) of this section; however,
16 count two points for each adult and juvenile prior Burglary 1
17 conviction, two points for each adult prior Burglary 2 or residential
18 burglary conviction, and one point for each juvenile prior Burglary 2
19 or residential burglary conviction.

20 (16) If the present conviction is for a sex offense, count priors
21 as in subsections (7) through (15) of this section; however count three
22 points for each adult and juvenile prior sex offense conviction.

23 (17) If the present conviction is for failure to register as a sex
24 offender under RCW 9A.44.130(10), count priors as in subsections (7)
25 through (15) of this section; however count three points for each adult
26 and juvenile prior sex offense conviction, excluding prior convictions
27 for failure to register as a sex offender under RCW 9A.44.130(10),
28 which shall count as one point.

29 (18) If the present conviction is for an offense committed while
30 the offender was under community placement, add one point.

31 (19) If the present conviction is for Theft 1, Possession of Stolen
32 Property 1, Taking a Motor Vehicle Without Permission 1, or Taking a
33 Motor Vehicle Without Permission 2, count priors as in subsections (7)
34 through (18) of this section; however count one point for prior
35 convictions of Vehicle Prowling 2.

36 (20) If the present conviction is Theft 1 (of a motor vehicle),
37 Possession of Stolen Property 1 (of a motor vehicle), Taking a Motor
38 Vehicle without Permission 1, or Taking a Motor Vehicle without

1 Permission 2, count three points for each adult and juvenile prior
2 Theft 1 (of a motor vehicle), Possession of Stolen Property 1 (of a
3 motor vehicle), Taking a Motor Vehicle without Permission 1, or Taking
4 a Motor Vehicle without Permission 2 conviction.

5 (21) The fact that a prior conviction was not included in an
6 offender's offender score or criminal history at a previous sentencing
7 shall have no bearing on whether it is included in the criminal history
8 or offender score for the current offense. Accordingly, prior
9 convictions that were not counted in the offender score or included in
10 criminal history under repealed or previous versions of the sentencing
11 reform act shall be included in criminal history and shall count in the
12 offender score if the current version of the sentencing reform act
13 requires including or counting those convictions.

14 **Sec. 7.** RCW 9.94A.734 and 2003 c 53 s 62 are each amended to read
15 as follows:

16 (1) Home detention may not be imposed for offenders convicted of:

17 (a) A violent offense;

18 (b) Any sex offense;

19 (c) Any drug offense;

20 (d) Reckless burning in the first or second degree as defined in
21 RCW 9A.48.040 or 9A.48.050;

22 (e) Assault in the third degree as defined in RCW 9A.36.031;

23 (f) Assault of a child in the third degree;

24 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

25 (h) Harassment as defined in RCW 9A.46.020.

26 Home detention may be imposed for offenders convicted of possession of
27 a controlled substance under RCW 69.50.4013 or forged prescription for
28 a controlled substance under RCW 69.50.403 if the offender fulfills the
29 participation conditions set forth in this section and is monitored for
30 drug use by a treatment alternatives to street crime program or a
31 comparable court or agency-referred program.

32 (2) Home detention may be imposed for offenders convicted of
33 burglary in the second degree as defined in RCW 9A.52.030 or
34 residential burglary conditioned upon the offender:

35 (a) Successfully completing twenty-one days in a work release
36 program;

1 (b) Having no convictions for burglary in the second degree or
2 residential burglary during the preceding two years and not more than
3 two prior convictions for burglary or residential burglary;

4 (c) Having no convictions for a violent felony offense during the
5 preceding two years and not more than two prior convictions for a
6 violent felony offense;

7 (d) Having no prior charges of escape; and

8 (e) Fulfilling the other conditions of the home detention program.

9 (3) Home detention may be imposed for offenders convicted of taking
10 a motor vehicle without permission in the second degree as defined in
11 RCW 9A.56.075, theft of a motor vehicle in the first degree as defined
12 in RCW 9A.56.030(1)(d), or possession of a stolen motor vehicle in the
13 first degree as defined in RCW 9A.56.150 conditioned upon the offender:

14 (a) Having no convictions for taking a motor vehicle without
15 permission, theft of a motor vehicle or possession of a stolen motor
16 vehicle during the preceding five years and not more than two prior
17 convictions for taking a motor vehicle without permission, theft of a
18 motor vehicle or possession of a stolen motor vehicle;

19 (b) Having no convictions for a violent felony offense during the
20 preceding two years and not more than two prior convictions for a
21 violent felony offense;

22 (c) Having no prior charges of escape; and

23 (d) Fulfilling the other conditions of the home detention program.

24 (4) Participation in a home detention program shall be conditioned
25 upon:

26 (a) The offender obtaining or maintaining current employment or
27 attending a regular course of school study at regularly defined hours,
28 or the offender performing parental duties to offspring or minors
29 normally in the custody of the offender;

30 (b) Abiding by the rules of the home detention program; and

31 (c) Compliance with court-ordered legal financial obligations. The
32 home detention program may also be made available to offenders whose
33 charges and convictions do not otherwise disqualify them if medical or
34 health-related conditions, concerns or treatment would be better
35 addressed under the home detention program, or where the health and
36 welfare of the offender, other inmates, or staff would be jeopardized
37 by the offender's incarceration. Participation in the home detention

1 program for medical or health-related reasons is conditioned on the
 2 offender abiding by the rules of the home detention program and
 3 complying with court-ordered restitution.

4 **Sec. 8.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to read
 5 as follows:

6 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

7
 8

9 **Arson and Malicious Mischief**

10	A	Arson 1 (9A.48.020)	B+
11	B	Arson 2 (9A.48.030)	C
12	C	Reckless Burning 1 (9A.48.040)	D
13	D	Reckless Burning 2 (9A.48.050)	E
14	B	Malicious Mischief 1 (9A.48.070)	C
15	C	Malicious Mischief 2 (9A.48.080)	D
16	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
17		(c))	E
18	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
19	E	Tampering with Fire Alarm Apparatus	
20		(9.40.100)	E
21	E	Tampering with Fire Alarm Apparatus with	
22		Intent to Commit Arson (9.40.105)	E
23	A	Possession of Incendiary Device (9.40.120)	B+

24 **Assault and Other Crimes Involving**

25 **Physical Harm**

26	A	Assault 1 (9A.36.011)	B+
27	B+	Assault 2 (9A.36.021)	C+
28	C+	Assault 3 (9A.36.031)	D+
29	D+	Assault 4 (9A.36.041)	E
30	B+	Drive-By Shooting (9A.36.045)	C+
31	D+	Reckless Endangerment (9A.36.050)	E

1	C+	Promoting Suicide Attempt (9A.36.060)	D+
2	D+	Coercion (9A.36.070)	E
3	C+	Custodial Assault (9A.36.100)	D+
4		Burglary and Trespass	
5	B+	Burglary 1 (9A.52.020)	C+
6	B	Residential Burglary (9A.52.025)	C
7	B	Burglary 2 (9A.52.030)	C
8	D	Burglary Tools (Possession of) (9A.52.060)	E
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	C	Mineral Trespass (78.44.330)	C
12	C	Vehicle Prowling 1 (9A.52.095)	D
13	D	Vehicle Prowling 2 (9A.52.100)	E
14		Drugs	
15	E	Possession/Consumption of Alcohol	
16		(66.44.270)	E
17	C	Illegally Obtaining Legend Drug	
18		(69.41.020)	D
19	C+	Sale, Delivery, Possession of Legend Drug	
20		with Intent to Sell (69.41.030(2)(a))	D+
21	E	Possession of Legend Drug	
22		(69.41.030(2)(b))	E
23	B+	Violation of Uniform Controlled Substances	
24		Act - Narcotic, Methamphetamine, or	
25		Flunitrazepam Sale (69.50.401(2) (a) or	
26		(b))	B+
27	C	Violation of Uniform Controlled Substances	
28		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
29	E	Possession of Marihuana <40 grams	
30		(69.50.4014)	E
31	C	Fraudulently Obtaining Controlled	
32		Substance (69.50.403)	C
33	C+	Sale of Controlled Substance for Profit	
34		(69.50.410)	C+
35	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled Substances	
2		Act - Narcotic, Methamphetamine, or	
3		Flunitrazepam Counterfeit Substances	
4		(69.50.4011(2) (a) or (b))	B
5	C	Violation of Uniform Controlled Substances	
6		Act - Nonnarcotic Counterfeit Substances	
7		(69.50.4011(2) (c), (d), or (e))	C
8	C	Violation of Uniform Controlled Substances	
9		Act - Possession of a Controlled Substance	
10		(69.50.4013)	C
11	C	Violation of Uniform Controlled Substances	
12		Act - Possession of a Controlled Substance	
13		(69.50.4012)	C
14		Firearms and Weapons	
15	B	Theft of Firearm (9A.56.300)	C
16	B	Possession of Stolen Firearm (9A.56.310)	C
17	E	Carrying Loaded Pistol Without Permit	
18		(9.41.050)	E
19	C	Possession of Firearms by Minor (<18)	
20		(9.41.040(2)(a)(iii))	C
21	D+	Possession of Dangerous Weapon	
22		(9.41.250)	E
23	D	Intimidating Another Person by use of	
24		Weapon (9.41.270)	E
25		Homicide	
26	A+	Murder 1 (9A.32.030)	A
27	A+	Murder 2 (9A.32.050)	B+
28	B+	Manslaughter 1 (9A.32.060)	C+
29	C+	Manslaughter 2 (9A.32.070)	D+
30	B+	Vehicular Homicide (46.61.520)	C+
31		Kidnapping	
32	A	Kidnap 1 (9A.40.020)	B+
33	B+	Kidnap 2 (9A.40.030)	C+
34	C+	Unlawful Imprisonment (9A.40.040)	D+
35		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
2			
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		Public Disturbance	
10	C+	Riot with Weapon (9A.84.010(2)(b))	D+
11	D+	Riot Without Weapon (9A.84.010(2)(a))	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		Sex Crimes	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32		Theft, Robbery, Extortion, and Forgery	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080 and	
2		9A.56.083)	C
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200)	B+
5	B+	Robbery 2 (9A.56.210)	C+
6	B+	Extortion 1 (9A.56.120)	C+
7	C+	Extortion 2 (9A.56.130)	D+
8	C	Identity Theft 1 (9.35.020(2))	D
9	D	Identity Theft 2 (9.35.020(3))	E
10	D	Improperly Obtaining Financial Information	
11		(9.35.010)	E
12	B	Possession of Stolen Property 1	
13		(9A.56.150)	C
14	C	Possession of Stolen Property 2	
15		(9A.56.160)	D
16	D	Possession of Stolen Property 3	
17		(9A.56.170)	E
18	C	Taking Motor Vehicle Without Permission	
19		1 ((and-2)) (9A.56.070 ((and 9A.56.075)))	D
20	C	<u>Taking Motor Vehicle Without Permission</u>	
21		<u>2 (9A.56.075)</u>	D
22	B	<u>Theft of a Motor Vehicle 1 (9A.56.030(1))</u>	C
23		Motor Vehicle Related Crimes	
24	E	Driving Without a License (46.20.005)	E
25	B+	Hit and Run - Death (46.52.020(4)(a))	C+
26	C	Hit and Run - Injury (46.52.020(4)(b))	D
27	D	Hit and Run-Attended (46.52.020(5))	E
28	E	Hit and Run-Unattended (46.52.010)	E
29	C	Vehicular Assault (46.61.522)	D
30	C	Attempting to Elude Pursuing Police	
31		Vehicle (46.61.024)	D
32	E	Reckless Driving (46.61.500)	E
33	D	Driving While Under the Influence	
34		(46.61.502 and 46.61.504)	E
35	B+	Felony Driving While Under the Influence	
36		(46.61.502(6))	B

1	B+	Felony Physical Control of a Vehicle While	
2		Under the Influence (46.61.504(6))	B
3		Other	
4	B	Animal Cruelty 1 (16.52.205)	C
5	B	Bomb Threat (9.61.160)	C
6	C	Escape 1 ¹ (9A.76.110)	C
7	C	Escape 2 ¹ (9A.76.120)	C
8	D	Escape 3 (9A.76.130)	E
9	E	Obscene, Harassing, Etc., Phone Calls	
10		(9.61.230)	E
11	A	Other Offense Equivalent to an Adult Class	
12		A Felony	B+
13	B	Other Offense Equivalent to an Adult Class	
14		B Felony	C
15	C	Other Offense Equivalent to an Adult Class	
16		C Felony	D
17	D	Other Offense Equivalent to an Adult Gross	
18		Misdemeanor	E
19	E	Other Offense Equivalent to an Adult	
20		Misdemeanor	E
21	V	Violation of Order of Restitution,	
22		Community Supervision, or Confinement	
23		(13.40.200) ²	V

24 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
25 and the standard range is established as follows:

26 1st escape or attempted escape during 12-month period - 4 weeks
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

32 ²If the court finds that a respondent has violated terms of an order,
33 it may impose a penalty of up to 30 days of confinement.

34 **JUVENILE SENTENCING STANDARDS**

35 This schedule must be used for juvenile offenders. The court may
36 select sentencing option A, B, C, D, or RCW 13.40.167.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
----	--	----------------	-----------------	------------------

Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
--------------------------	----	----------------	----------------	-----------------	------------------

B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
---	-------------------------	-------------	----------------

C+	LS	15-36 WEEKS
----	----	-------------

C	LS	15-36 WEEKS
---	----	-------------

Local Sanctions:

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

1 (2) The horizontal axis of the grid is the number of prior
2 adjudications included in the juvenile's criminal history. Each prior
3 felony adjudication shall count as one point. Each prior violation,
4 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
5 point. Fractional points shall be rounded down.

6 (3) The standard range disposition for each offense is determined
7 by the intersection of the column defined by the prior adjudications
8 and the row defined by the current offense category.

9 (4) RCW 13.40.180 applies if the offender is being sentenced for
10 more than one offense.

11 (5) A current offense that is a violation is equivalent to an
12 offense category of E. However, a disposition for a violation shall
13 not include confinement.

14 **OR**

15 **OPTION B**

16 **SUSPENDED DISPOSITION ALTERNATIVE**

17 (1) If the offender is subject to a standard range disposition
18 involving confinement by the department, the court may impose the
19 standard range and suspend the disposition on condition that the
20 offender comply with one or more local sanctions and any educational or
21 treatment requirement. The treatment programs provided to the offender
22 must be research-based best practice programs as identified by the
23 Washington state institute for public policy or the joint legislative
24 audit and review committee.

25 (2) If the offender fails to comply with the suspended disposition,
26 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
27 the suspended disposition and order the disposition's execution.

28 (3) An offender is ineligible for the suspended disposition option
29 under this section if the offender is:

30 (a) Adjudicated of an A+ offense;

31 (b) Fourteen years of age or older and is adjudicated of one or
32 more of the following offenses:

33 (i) A class A offense, or an attempt, conspiracy, or solicitation
34 to commit a class A offense;

35 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

36 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
37 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW

1 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
2 burglary (RCW 9A.52.025), burglary in the second degree (RCW
3 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
4 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
5 witness (RCW 9A.72.110), violation of the uniform controlled substances
6 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
7 when the offense includes infliction of bodily harm upon another or
8 when during the commission or immediate withdrawal from the offense the
9 respondent was armed with a deadly weapon;

10 (c) Ordered to serve a disposition for a firearm violation under
11 RCW 13.40.193; or

12 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

13 OR

14 **OPTION C**

15 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

16 If the juvenile offender is subject to a standard range disposition
17 of local sanctions or 15 to 36 weeks of confinement and has not
18 committed an A- or B+ offense, the court may impose a disposition under
19 RCW 13.40.160(4) and 13.40.165.

20 OR

21 **OPTION D**

22 **MANIFEST INJUSTICE**

23 If the court determines that a disposition under option A, B, or C
24 would effectuate a manifest injustice, the court shall impose a
25 disposition outside the standard range under RCW 13.40.160(2).

26 **Sec. 9.** RCW 13.40.038 and 1992 c 205 s 105 are each amended to
27 read as follows:

28 It is the policy of this state that all county juvenile detention
29 facilities provide a humane, safe, and rehabilitative environment and
30 that adjudicated youth remain in the community whenever possible,
31 consistent with public safety and the provisions of chapter 13.40 RCW.

32 The counties shall develop and implement detention intake standards
33 and risk assessment standards to determine whether detention is
34 warranted and if so whether the juvenile should be placed in secure,
35 nonsecure, or home detention to implement the goals of this section.

1 Additionally, in any case where a juvenile is arrested for an offense
2 involving theft of a motor vehicle in the first degree as defined in
3 RCW 9A.56.030(1)(d), possession of a stolen motor vehicle in the first
4 degree as defined in RCW 9A.56.150, taking a motor vehicle without
5 permission in the first degree as defined in RCW 9A.56.070(1), or
6 taking a motor vehicle without permission in the second degree as
7 defined in RCW 9A.56.075(1), the juvenile shall be given a risk
8 assessment to determine whether the juvenile is in need of treatment.
9 Inability to pay for a less restrictive detention placement shall not
10 be a basis for denying a respondent a less restrictive placement in the
11 community. The detention and risk assessment standards shall be
12 developed and implemented no later than December 31, 1992.

13 NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW
14 to read as follows:

15 (1) If a respondent is adjudicated of an offense involving theft of
16 a motor vehicle in the first degree as defined in RCW 9A.56.030(1)(d),
17 possession of a stolen motor vehicle in the first degree as defined in
18 RCW 9A.56.150, or taking a motor vehicle without permission in the
19 first degree as defined in RCW 9A.56.070, the court shall impose a
20 standard range as follows:

21 (a) Juveniles with no prior adjudications shall be sentenced to no
22 less than five days home detention, forty-five hours of community
23 service, and a two hundred dollar fine;

24 (b) Juveniles with one prior adjudication shall be sentenced to no
25 less than ten days detention, ninety hours of community service, and a
26 four hundred dollar fine; and

27 (c) Juveniles with two or more prior adjudications shall be
28 sentenced to no less than 15-36 weeks confinement, seven days home
29 detention, four months supervision, ninety hours of community service,
30 and a four hundred dollar fine.

31 (2) If a respondent is adjudicated of an offense involving taking
32 a motor vehicle without permission in the second degree as defined in
33 RCW 9A.56.075, the court shall impose a standard range as follows:

34 (a) Juveniles with no prior adjudications shall be sentenced to no
35 less than one day home detention, one month supervision, fifteen hours
36 of community service, and a fifty dollar fine;

1 (b) Juveniles with one prior adjudication shall be sentenced to no
2 less than one day detention, two days home detention, two months
3 supervision, thirty hours of community service, and a one hundred fifty
4 dollar fine; and

5 (c) Juveniles with two or more prior adjudications shall be
6 sentenced to no less than three days detention, seven days home
7 detention, three months supervision, forty-five hours of community
8 service, and a one hundred fifty dollar fine.

9 **Sec. 11.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to
10 read as follows:

11 (1) The secretary shall set a release date for each juvenile
12 committed to its custody. The release date shall be within the
13 prescribed range to which a juvenile has been committed under RCW
14 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
15 offenders the department determines are eligible for the juvenile
16 offender basic training camp program. Such dates shall be determined
17 prior to the expiration of sixty percent of a juvenile's minimum term
18 of confinement included within the prescribed range to which the
19 juvenile has been committed. The secretary shall release any juvenile
20 committed to the custody of the department within four calendar days
21 prior to the juvenile's release date or on the release date set under
22 this chapter. Days spent in the custody of the department shall be
23 tolled by any period of time during which a juvenile has absented
24 himself or herself from the department's supervision without the prior
25 approval of the secretary or the secretary's designee.

26 (2) The secretary shall monitor the average daily population of the
27 state's juvenile residential facilities. When the secretary concludes
28 that in-residence population of residential facilities exceeds one
29 hundred five percent of the rated bed capacity specified in statute, or
30 in absence of such specification, as specified by the department in
31 rule, the secretary may recommend reductions to the governor. On
32 certification by the governor that the recommended reductions are
33 necessary, the secretary has authority to administratively release a
34 sufficient number of offenders to reduce in-residence population to one
35 hundred percent of rated bed capacity. The secretary shall release
36 those offenders who have served the greatest proportion of their
37 sentence. However, the secretary may deny release in a particular case

1 at the request of an offender, or if the secretary finds that there is
2 no responsible custodian, as determined by the department, to whom to
3 release the offender, or if the release of the offender would pose a
4 clear danger to society. The department shall notify the committing
5 court of the release at the time of release if any such early releases
6 have occurred as a result of excessive in-residence population. In no
7 event shall an offender adjudicated of a violent offense be granted
8 release under the provisions of this subsection.

9 (3)(a) Following the release of any juvenile under subsection (1)
10 of this section, the secretary may require the juvenile to comply with
11 a program of parole to be administered by the department in his or her
12 community which shall last no longer than eighteen months, except that
13 in the case of a juvenile sentenced for rape in the first or second
14 degree, rape of a child in the first or second degree, child
15 molestation in the first degree, or indecent liberties with forcible
16 compulsion, the period of parole shall be twenty-four months and, in
17 the discretion of the secretary, may be up to thirty-six months when
18 the secretary finds that an additional period of parole is necessary
19 and appropriate in the interests of public safety or to meet the
20 ongoing needs of the juvenile. A parole program is mandatory for
21 offenders released under subsection (2) of this section and for
22 offenders who receive a juvenile residential commitment sentence under
23 section 10 of this act. The decision to place an offender on parole
24 shall be based on an assessment by the department of the offender's
25 risk for reoffending upon release. The department shall prioritize
26 available parole resources to provide supervision and services to
27 offenders at moderate to high risk for reoffending.

28 (b) The secretary shall, for the period of parole, facilitate the
29 juvenile's reintegration into his or her community and to further this
30 goal shall require the juvenile to refrain from possessing a firearm or
31 using a deadly weapon and refrain from committing new offenses and may
32 require the juvenile to: (i) Undergo available medical, psychiatric,
33 drug and alcohol, sex offender, mental health, and other offense-
34 related treatment services; (ii) report as directed to a parole officer
35 and/or designee; (iii) pursue a course of study, vocational training,
36 or employment; (iv) notify the parole officer of the current address
37 where he or she resides; (v) be present at a particular address during
38 specified hours; (vi) remain within prescribed geographical boundaries;

1 (vii) submit to electronic monitoring; (viii) refrain from using
2 illegal drugs and alcohol, and submit to random urinalysis when
3 requested by the assigned parole officer; (ix) refrain from contact
4 with specific individuals or a specified class of individuals; (x) meet
5 other conditions determined by the parole officer to further enhance
6 the juvenile's reintegration into the community; (xi) pay any court-
7 ordered fines or restitution; and (xii) perform community restitution.
8 Community restitution for the purpose of this section means compulsory
9 service, without compensation, performed for the benefit of the
10 community by the offender. Community restitution may be performed
11 through public or private organizations or through work crews.

12 (c) The secretary may further require up to twenty-five percent of
13 the highest risk juvenile offenders who are placed on parole to
14 participate in an intensive supervision program. Offenders
15 participating in an intensive supervision program shall be required to
16 comply with all terms and conditions listed in (b) of this subsection
17 and shall also be required to comply with the following additional
18 terms and conditions: (i) Obey all laws and refrain from any conduct
19 that threatens public safety; (ii) report at least once a week to an
20 assigned community case manager; and (iii) meet all other requirements
21 imposed by the community case manager related to participating in the
22 intensive supervision program. As a part of the intensive supervision
23 program, the secretary may require day reporting.

24 (d) After termination of the parole period, the juvenile shall be
25 discharged from the department's supervision.

26 (4)(a) The department may also modify parole for violation thereof.
27 If, after affording a juvenile all of the due process rights to which
28 he or she would be entitled if the juvenile were an adult, the
29 secretary finds that a juvenile has violated a condition of his or her
30 parole, the secretary shall order one of the following which is
31 reasonably likely to effectuate the purpose of the parole and to
32 protect the public: (i) Continued supervision under the same
33 conditions previously imposed; (ii) intensified supervision with
34 increased reporting requirements; (iii) additional conditions of
35 supervision authorized by this chapter; (iv) except as provided in
36 (a)(v) and (vi) of this subsection, imposition of a period of
37 confinement not to exceed thirty days in a facility operated by or
38 pursuant to a contract with the state of Washington or any city or

1 county for a portion of each day or for a certain number of days each
2 week with the balance of the days or weeks spent under supervision; (v)
3 the secretary may order any of the conditions or may return the
4 offender to confinement for the remainder of the sentence range if the
5 offense for which the offender was sentenced is rape in the first or
6 second degree, rape of a child in the first or second degree, child
7 molestation in the first degree, indecent liberties with forcible
8 compulsion, or a sex offense that is also a serious violent offense as
9 defined by RCW 9.94A.030; and (vi) the secretary may order any of the
10 conditions or may return the offender to confinement for the remainder
11 of the sentence range if the youth has completed the basic training
12 camp program as described in RCW 13.40.320.

13 (b) If the department finds that any juvenile in a program of
14 parole has possessed a firearm or used a deadly weapon during the
15 program of parole, the department shall modify the parole under (a) of
16 this subsection and confine the juvenile for at least thirty days.
17 Confinement shall be in a facility operated by or pursuant to a
18 contract with the state or any county.

19 (5) A parole officer of the department of social and health
20 services shall have the power to arrest a juvenile under his or her
21 supervision on the same grounds as a law enforcement officer would be
22 authorized to arrest the person.

23 (6) If so requested and approved under chapter 13.06 RCW, the
24 secretary shall permit a county or group of counties to perform
25 functions under subsections (3) through (5) of this section.

26 **Sec. 12.** RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read
27 as follows:

28 (1) A person who, with intent to deprive the owner or owner's
29 agent, wrongfully obtains, or exerts unauthorized control over, or by
30 color or aid of deception gains control of personal property that is
31 rented (~~((or))~~), leased, or loaned by written agreement to the person, is
32 guilty of theft of rental, leased, (~~((or))~~) lease-purchased, or loaned
33 property.

34 (2) The finder of fact may presume intent to deprive if the finder
35 of fact finds either of the following:

36 (a) That the person who rented or leased the property failed to
37 return or make arrangements acceptable to the owner of the property or

1 the owner's agent to return the property to the owner or the owner's
2 agent within seventy-two hours after receipt of proper notice following
3 the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan
4 agreement; or

5 (b) That the renter ~~((or))~~, lessee, or borrower presented
6 identification to the owner or the owner's agent that was materially
7 false, fictitious, or not current with respect to name, address, place
8 of employment, or other appropriate items.

9 (3) As used in subsection (2) of this section, "proper notice"
10 consists of a written demand by the owner or the owner's agent made
11 after the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan
12 period, mailed by certified or registered mail to the renter ~~((or))~~,
13 lessee, or borrower at: (a) The address the renter ~~((or))~~, lessee, or
14 borrower gave when the contract was made; or (b) the renter ~~((or))~~,
15 lessee~~((or))~~, or borrower's last known address if later furnished in
16 writing by the renter, lessee, borrower, or the agent of the renter
17 ~~((or))~~, lessee, or borrower.

18 (4) The replacement value of the property obtained must be utilized
19 in determining the amount involved in the theft of rental, leased,
20 ~~((or))~~ lease-purchased, or loaned property.

21 (5)(a) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned
22 property is a class B felony if the rental, leased, ~~((or))~~ lease-
23 purchased, or loaned property is valued at one thousand five hundred
24 dollars or more.

25 (b) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned
26 property is a class C felony if the rental, leased, ~~((or))~~ lease-
27 purchased, or loaned property is valued at two hundred fifty dollars or
28 more but less than one thousand five hundred dollars.

29 (c) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned
30 property is a gross misdemeanor if the rental, leased, ~~((or))~~ lease-
31 purchased, or loaned property is valued at less than two hundred fifty
32 dollars.

33 (6) This section applies to rental agreements that provide that the
34 renter may return the property any time within the rental period and
35 pay only for the time the renter actually retained the property, in
36 addition to any minimum rental fee, to lease agreements, ~~((and))~~ to
37 lease-purchase agreements as defined under RCW 63.19.010, and to
38 vehicles loaned to prospective purchasers borrowing a vehicle by

1 written agreement from a motor vehicle dealer licensed under chapter
2 46.70 RCW. This section does not apply to rental or leasing of real
3 property under the residential landlord-tenant act, chapter 59.18 RCW.

4 NEW SECTION. Sec. 13. A new section is added to chapter 9.94A RCW
5 to read as follows:

6 (1) Any person who makes or mends, or causes to be made or mended,
7 or have in his or her possession any implement listed in subsection (2)
8 of this section, that is adapted, designed, or commonly used for the
9 commission of burglary or motor vehicle related theft, under
10 circumstances evincing an intent to use or employ, or allow the same to
11 be used or employed, in the commission of a burglary or motor vehicle
12 related theft, or knowing that the same is intended to be so used, is
13 guilty of making or having burglar tools or motor vehicle theft tools.

14 (2) The following tools are considered prohibited implements: Slim
15 jim, false master key, master purpose key, altered or shaved key, trial
16 or jigglers keys, slide hammer, lock puller, picklock, bit, nippers, any
17 other implement shown by facts and circumstances that is intended to be
18 used in the commission of a burglary or motor vehicle related theft, or
19 knowing that the same is intended to be so used. A person who uses the
20 tools listed in this subsection is guilty of making or having burglar
21 tools or motor vehicle theft tools.

22 (3) For the purposes of this section, the following definitions
23 apply:

24 (a) "False master" or "master key" is any key or other device made
25 or altered to fit locks or ignitions of multiple vehicles, or vehicles
26 other than that for which the key was originally manufactured.

27 (b) "Altered or shaved key" is any key so altered, by cutting,
28 filing, or other means, to fit multiple vehicles or vehicles other than
29 the vehicles for which the key was originally manufactured.

30 (c) "Trial keys" or "jiggler keys" are keys or sets designed or
31 altered to manipulate a vehicle locking mechanism other than the lock
32 for which the key was originally manufactured.

33 (4) It shall be prima facie evidence of circumstances evincing an
34 intent to use for commission of a burglary or motor vehicle related
35 theft for a person to be in possession of multiple vehicle keys or
36 altered vehicle keys unless such person is a bona fide locksmith or an

1 employee of a motor vehicle dealer licensed under chapter 46.70 RCW or
2 other position for which the possession of such keys is required in the
3 performance of their duties.

4 (5) Making or having burglar or motor vehicle theft tools is a
5 gross misdemeanor.

6 NEW SECTION. **Sec. 14.** (1) The Washington auto theft prevention
7 authority is established. The authority shall consist of the following
8 members:

9 (a) The chief of the Washington state patrol, or the chief's
10 designee;

11 (b) Two police chiefs to be selected by the Washington association
12 of sheriffs and police chiefs;

13 (c) Two sheriffs to be selected by the Washington association of
14 sheriffs and police chiefs;

15 (d) One prosecuting attorney to be selected by the Washington
16 association of prosecuting attorneys;

17 (e) A representative from the insurance industry who is responsible
18 for writing property and casualty liability insurance in the state of
19 Washington, selected by the governor;

20 (f) A representative from the automobile dealer industry or the
21 industry representing automobile repair facilities, selected by the
22 governor; and

23 (g) One member of the general public, appointed by the governor.

24 (2) In addition, the authority may, where feasible, consult with
25 other governmental entities or individuals from the public and private
26 sector in carrying out its duties under this section.

27 NEW SECTION. **Sec. 15.** (1) The Washington auto theft prevention
28 authority shall initially convene at the call of the chief of the
29 Washington state patrol, or the chief's designee, no later than the
30 third Monday in January 2008. Subsequent meetings of the authority
31 shall be at the call of the chair or seven members.

32 (2) The authority shall annually elect a chairperson and other such
33 officers as it deems appropriate from its membership.

34 (3) Members of the authority shall serve terms of four years each
35 on a staggered schedule to be established by the first authority. For

1 purposes of initiating a staggered schedule of terms, some members of
2 the first authority may initially serve two years and some members may
3 initially serve four years.

4 NEW SECTION. **Sec. 16.** (1) The Washington auto theft prevention
5 authority may obtain or contract for staff services, including an
6 executive director, and any facilities and equipment as the authority
7 requires to carry out its duties.

8 (2) The director may enter into contracts with any public or
9 private organization to carry out the purposes of this section and
10 sections 14, 15, and 17 through 21 of this act.

11 (3) The authority shall review and make recommendations to the
12 legislature and the governor regarding motor vehicle theft in
13 Washington state. In preparing the recommendations, the authority
14 shall, at a minimum, review the following issues:

15 (a) Determine the scope of the problem of motor vehicle theft,
16 including particular areas of the state where the problem is the
17 greatest;

18 (b) Analyze the various methods of combating the problem of motor
19 vehicle theft;

20 (c) Develop and implement a plan of operation; and

21 (d) Develop and implement a financial plan.

22 (4) The authority shall annually report its activities, findings,
23 and recommendations during the preceding year to the legislature by
24 December 31st.

25 NEW SECTION. **Sec. 17.** The Washington auto theft prevention
26 authority may solicit and accept gifts, grants, bequests, devises, or
27 other funds from public and private sources to support its activities.

28 NEW SECTION. **Sec. 18.** The governor may remove any member of the
29 Washington auto theft prevention authority for cause including but not
30 limited to neglect of duty, misconduct, malfeasance or misfeasance in
31 office, or upon written request of two-thirds of the members of the
32 authority under this chapter. Upon the death, resignation, or removal
33 of a member, the governor shall appoint a replacement to fill the
34 remainder of the unexpired term.

1 NEW SECTION. **Sec. 19.** Members of the Washington auto theft
2 prevention authority who are not public employees shall be compensated
3 in accordance with RCW 43.03.250 and shall be reimbursed for travel
4 expenses incurred in carrying out the duties of the authority in
5 accordance with RCW 43.03.050 and 43.03.060.

6 NEW SECTION. **Sec. 20.** Any member serving in their official
7 capacity on the Washington auto theft prevention authority, or either
8 their employer or employers, or other entity that selected the members
9 to serve, are immune from a civil action based upon an act performed in
10 good faith.

11 NEW SECTION. **Sec. 21.** (1) The Washington auto theft prevention
12 authority account is created in the custody of the state treasurer.
13 All receipts from gifts, grants, bequests, devises, or other funds from
14 public and private sources to support its activities must be deposited
15 into the account. Expenditures from the account may be used only for
16 purposes of this act. Only the director of the authority or the
17 director's designee may authorize expenditures from the account. The
18 account is subject to allotment procedures under chapter 43.88 RCW, but
19 an appropriation is not required for expenditures.

20 (2) The authority shall allocate moneys in the account to public
21 agencies for the purpose of establishing, maintaining, and supporting
22 programs that are designed to prevent motor vehicle theft, including:

23 (a) Financial support to prosecution agencies to increase the
24 effectiveness of motor vehicle theft prosecution;

25 (b) Financial support to a unit of local government or a team
26 consisting of units of local governments to increase the effectiveness
27 of motor vehicle theft enforcement;

28 (c) Financial support for the procurement of equipment and
29 technologies for use by law enforcement agencies for the purpose of
30 enforcing motor vehicle theft laws; and

31 (d) Financial support for programs that are designed to educate and
32 assist the public in the prevention of motor vehicle theft.

33 (3) The costs of administration shall not exceed ten percent of the
34 moneys in the account in any one year so that the greatest possible
35 portion of the moneys available to the authority is expended on
36 combating motor vehicle theft.

1 (4) Prior to awarding any moneys from the Washington auto theft
2 prevention authority account for motor vehicle theft enforcement or
3 prosecution efforts, the auto theft prevention authority must verify
4 that the financial award includes sufficient funding to cover proposed
5 activities, which include, but are not limited to: (a) Administration
6 costs; (b) law enforcement costs; (c) prosecutor costs; (d) court
7 costs; and (e) county offender confinement costs.

8 (5) Moneys expended from the Washington auto theft prevention
9 authority account shall be used to supplement, not supplant, other
10 moneys that are available for motor vehicle theft prevention.

11 NEW SECTION. **Sec. 22.** A new section is added to chapter 48.22 RCW
12 to read as follows:

13 Beginning July 1, 2007, a surcharge of fifty cents every six months
14 per insured automobile shall be charged by each insurer to each person
15 purchasing automobile insurance, which will be in addition to any other
16 charge authorized by law. The insurance commissioner may retain up to
17 two percent of the funds collected to administer collection. The
18 remaining funds shall be transmitted monthly to the state treasurer who
19 will deposit the funds into the Washington auto theft prevention
20 authority account created in section 21 of this act. The funds will be
21 used to carry out the Washington auto theft prevention authority
22 program duties and functions as set forth in section 14 of this act.

23 NEW SECTION. **Sec. 23.** This act shall be known as the Elizabeth
24 Nowak Washington auto theft prevention act.

25 NEW SECTION. **Sec. 24.** Sections 14 through 21 of this act
26 constitute a new chapter in Title 46 RCW.

--- END ---